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Request for the inclusion of a supplementary item in the agenda of the sixty-fifth session

Compensation for damage caused by colonialism

Letter dated 29 July 2010 from the Permanent Representative of the Libyan Arab Jamahiriya to the United Nations addressed to the Secretary-General

I have the honour to request, in accordance with rule 14 of the rules of procedure of the General Assembly, the inclusion in the agenda of the sixty-fifth session of the General Assembly of a supplementary item entitled "Compensation for damage caused by colonialism".

In accordance with rule 20 of the rules of procedure of the General Assembly, an explanatory memorandum in support of the above request (annex I) and a draft resolution (annex II) are annexed hereto.

It would be appreciated if the present letter and its annexes could be circulated as a document of the General Assembly.

(*Signed*) Abdurrahman M. **Shalgham**
Ambassador
Permanent Representative

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Annex I

[Original: Arabic]

Explanatory memorandum

The majority of the peoples currently represented at the United Nations have, in the course of their history, undergone the bitter experience of colonialism. The colonial Powers occupied their land and subjected them to the harshest and most inhuman forms of treatment, in blatant violation of human rights and the principles of dignity enshrined in all divine religions and human cultures.

The damage of colonialism extended to every aspect of life in the colonized territories. The inhabitants were mere slaves to their colonial masters. In many cases, they were sold into slavery and transported to other countries at vast distances from their homeland. Colonialism perpetuated slavery, exploiting slaves and raw materials from colonized territories in order to advance colonial countries and build modern civilization.

Inhabitants of colonized countries were killed and subjected to collective and individual imprisonment, forced migration, exile and enslavement. Attempts were made to obliterate their national languages and cultures and replace them with the language and culture of the colonizer.

The colonizer forcibly enlisted hundreds of thousands of inhabitants of colonized countries, who lost their lives in wars from which they had nothing to gain. As a result, their families were subjected to unbearable suffering.

The colonized countries sustained massive damage as a result of illegal economic exploitation, the massive draining of resources, the plundering of natural wealth and cultural and historic property, and environmental contamination caused by radiation from nuclear testing, which led to considerable human and material damage.

The crimes of colonialism contributed significantly to the difficult economic and social situation which a majority of the peoples of the African continent continue to face. That predicament has forced millions of inhabitants to risk their lives in order to emigrate to the wealthy countries, their former colonial masters.

While the colonists have departed from many countries, landmines and explosive remnants of war remain from the colonial era, which continue to take lives and hamper development efforts. The States that planted or left the landmines bear responsibility for their removal. They should promptly assist the affected countries in their efforts to remove landmines and explosive remnants of war by providing maps, the necessary technology and expertise.

In 1960, the United Nations General Assembly played an important role in ending colonization through the adoption of resolution 1514 (XV), containing the Declaration on the Granting of Independence to Colonial Countries and Peoples. The time has now come for it to complete that task by removing the damage of colonialism and criminalizing the latter as the worst human rights violation.

By virtue of resolution CM/RES/1339, adopted on 1 June 1991 in Abuja, the Ministers for Foreign Affairs of the Organization of African Unity, which has since been succeeded by the African Union, decided to establish a group to set out clearly

the extent of Africa's exploitation, the liability of the perpetrators and the strategy for achieving reparation.

In its statements and at its summits, the Non-Aligned Movement has called on colonial States to compensate colonized peoples for the damage inflicted.

In order to build confidence among States, remove ill will and consolidate international cooperation on the basis of justice, equality and mutual respect, there is an urgent need for colonized peoples to receive an apology and equitable compensation. Poor peoples would thereby gain an opportunity to invest in programmes to combat illiteracy, poverty, hunger and disease. Compensation would also help to stem illegal migration from poor to wealthy countries.

A number of States with a colonial past have apologized to the peoples they colonized. Austria and Hungary have apologized to the Balkan peoples, Japan to China and Korea, and Australia to the indigenous Australians. Italy recently apologized to the Libyan Arab Jamahiriya and agreed to pay compensation to the Libyan people. Such initiatives should lead all States to criminalize colonialism and compensate its victims. The Libyan Arab Jamahiriya therefore requests the inclusion of a supplementary item on the agenda of the General Assembly entitled "Compensation for damage caused by colonialism", and wishes to submit a draft resolution on the topic.

Annex II

[Original: Arabic]

Draft resolution
Compensation for damage caused by colonialism

The General Assembly,

Recalling the Universal Declaration on Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights,

Reaffirming the importance of effective protection of and respect for human rights, including the right of peoples to self-determination in accordance with the Charter of the United Nations, international human rights law and the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in General Assembly resolution 1514 (XV) of 14 December 1960,

Commending the important role played by the United Nations since its establishment in ending colonialism in non-self-governing territories, including through the adoption in 1960 of General Assembly resolution 1514 (XV) and the follow-up to its implementation,

Reiterating its conviction that all of the effects of colonialism and racial discrimination must be eliminated, and human rights violations curbed,

Noting that the colonized peoples were subjected to economic exploitation, their resources drained on a massive scale, and their natural resources and cultural and historic property plundered,

Further noting that certain colonized territories sustained massive damage as a result of their illegal use by colonial powers, including for nuclear tests which contaminated the air and sea with radiation and harmful materials, displaced inhabitants and transformed their natural way of life,

Mindful of the suffering of colonized peoples under foreign occupation and the violations of international law to which they were subjected, including killings, collective and individual imprisonment, forced migration, exile, enslavement and attempts to obliterate their national languages and cultures and replace them with the language and culture of the colonizer,

Conscious that the concealment of realities concerning colonized territories and the conditions of their inhabitants under foreign occupation has resulted in the distortion of the history of colonized peoples, causing considerable moral damage,

Conscious also of the suffering of the families of hundreds of thousands of inhabitants of colonized territories who were enlisted by the colonial powers and lost their lives in wars from which they had nothing to gain,

Mindful of the role of colonialism in perpetuating slavery and exploiting slaves and raw materials from the colonized territories in order to advance the colonial States and build modern civilization,

Reaffirming the principle that peoples under foreign occupation have permanent sovereignty over their natural resources,

Expressing grave concern at the continuing suffering of many of the peoples subjected to colonialism as a result of the mines and explosive remnants of war which were left by colonialism and continue to take lives and hamper development efforts,

Recalling its resolutions 3534 (XXX) of 9 December 1975, 35/71 of 5 December 1980, 36/188 of 17 December 1981, 37/210 of 20 December 1982, 38/162 of 19 December 1983, 39/167 of 17 December 1984 concerning the remnants of war, 55/2 of 8 September 2000 containing the United Nations Millennium Declaration, and 60/1 of 16 September 2005 containing the 2005 World Summit Outcome,

Recalling also the relevant resolutions and recommendations of other international and regional organizations and, in particular, the Non-Aligned Movement, the African Union, the Organization of the Islamic Conference and the United Nations Environment Programme,

Reaffirming the relevant resolutions of the Commission on Human Rights adopted at past sessions concerning the effects of intervention, aggression and military occupation which violate the right of peoples to self-determination, as well as other human rights enshrined in international humanitarian law,

Mindful of the historic precedents for compensation in respect of damage arising from occupation, wars and their effects and, in particular, the compensation that followed the two most recent World Wars,

Expressing its regret that adequate measures have not been taken to resolve issues related to the colonial past, such as apologies; compensation for the loss of property and lives; removal of explosive remnants of war; and restitution of cultural property to its countries of origin,

Recognizing that equitable compensation for colonized peoples would enable them to invest in programmes to combat illiteracy, poverty, hunger and disease, in addition to promoting the realization of the Millennium Development Goals and sustainable development and helping to stem the flow of migration from poor to wealthy countries,

Emphasizing that an apology and the provision of equitable compensation for colonized peoples would prevent the recurrence of colonialism,

Emphasizing also that compensation for the colonial period would build confidence among States; remove ill will; consolidate international cooperation on the basis of justice, equality and mutual respect; further the common good; and promote international peace and security,

1. *Reaffirms* that colonialism in any form or manifestation, including economic exploitation, is inconsistent with the Charter of the United Nations, the Declaration on the Granting of Independence to Colonial Countries and Peoples and the Universal Declaration of Human Rights; constitutes an illegal act; and contravenes the values and ethical codes established by the divine religions and human cultures across the ages;

2. *Reaffirms also* its determination to take the necessary steps for the complete elimination of the effects of colonialism, and to ensure that all States comply with the pertinent provisions of the Charter of the United Nations, the

Declaration on the Granting of Independence to Colonial Countries and Peoples and the Universal Declaration of Human Rights;

3. *Expresses concern* at the human and material damage sustained by the peoples subjected to colonialism, damage that has hampered their efforts to eradicate poverty, hunger, disease and illiteracy and achieve economic growth;

4. *Emphasizes* that the peoples that have endured colonial control, or continue to do so, have a right to receive an apology and equitable compensation from colonial States in reparation for the damage sustained;

5. *Welcomes* the fact that certain States have declared their responsibility for the illegal practices of their former colonial Governments, have apologized for those practices and have expressed their preparation to pay appropriate compensation for the human and material damage incurred;

6. *Requests* all States whose former Governments were involved in the implementation of colonial policies promptly to rid themselves of their colonial legacy, and to work to erase the effects of that period by apologizing to the colonized peoples, providing them with equitable compensation for the human, economic and social damage inflicted, returning their cultural and artistic property, and helping them to reclaim the land contaminated by radiation and harmful materials;

7. *Emphasizes* that formerly colonized peoples have a right to recover all of their archives, including official documentation in the possession of the colonial powers concerning those peoples and their homelands;

8. *Stresses* that it is important for States subjected to colonialism to be given preference in trade exchanges and priority in the receipt of financial and technical assistance towards programmes and steps aimed at promoting their economies;

9. *Requests* the Secretary-General to present an outline for the establishment of an international mechanism to evaluate requests for compensation in respect of colonial damage, taking into consideration the views of Member States, the Human Rights Council and relevant non-governmental organizations;

10. *Requests* all States to inform the Secretary-General of the measures taken in implementation of this resolution;

11. *Requests* the Secretary-General to submit a report on the implementation of this resolution to the General Assembly at its sixty-sixth session;

12. *Decides* to remain seized of the matter.